

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 3:18-00137-03

MARQUAN CHARLES WILLIAMS

ORDER

Pending before the Court is Defendant Marquan Charles Williams’ motion seeking compassionate release due to the COVID-19 pandemic or, in the alternative, for an order directing the Federal Bureau of Prisons to provide him testing data for COVID-19. ECF No. 200. In his motion for release, Defendant states he suffers from asthma and had cardiothoracic surgery on his left lung. However, Defendant does not allege he has experienced any problems receiving treatment or controlling his asthma while incarcerated, and he did not request to be sent to a medical facility to be evaluated or treated for this condition when he was sentenced on May 6, 2019. Nevertheless, Defendant—who is currently incarcerated at FCI Allenwood—argues that the ongoing COVID-19 pandemic and guidance from the Attorney General for the Bureau of Prisons to prioritize home confinement justifies a reduction in his sentence. *Id.* at 1; *see also* Mem. from Att’y Gen. to Dir., BOP 1–2 (Apr. 3, 2020), *available at* <http://www.justice.gov/file/1266661/download>. While the Court understands Defendant’s concerns regarding COVID-19, the mere possibility of contracting the virus is not a sufficiently “extraordinary and compelling” reason to justify a reduction in sentence under 18 U.S.C. § 3582(c)(1)(A)(i). *See, e.g., United States v. Feiling*, No. 3:19cr112 (DJN), 2020 WL 1821457, at *7 (E.D. Va. Apr. 10, 2020) (reasoning that “the *fear* of contracting a communicable disease

proves insufficient to justify a sentence modification” (internal quotations omitted) (emphasis in original)). Additionally, the Court finds Defendant makes no argument as to why this Court should order the Bureau of Prisons to provide him COVID-19 testing data or why this Court is the proper forum to enter such an order as Defendant is not incarcerated in this District. The Court finds Defendant’s single cursory statement that the data be provided to him is insufficient. Accordingly, for the reasons stated, the Court **DENIES** Defendant’s motion to be released and his alternative request for testing data. ECF No. 200.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel and the defendant, the United States Attorney’s Office, the United States Probation Office, and the United States Marshals Service.

ENTER: July 13, 2020

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE